



2023/0079(COD)

19.7.2023

OPINION

of the Committee on Foreign Affairs

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020 (COM(2023)0160 - C9-0061/2023 – 2023/0079(COD))

Rapporteur for opinion: Miriam Lexmann

PA_Legam

SHORT JUSTIFICATION

The Rapporteur supports the European Commission's proposal for a framework for ensuring a secure and sustainable supply of critical raw materials. For the EU's strategic autonomy, it is essential not to be dependent on few suppliers, especially if these countries are not strategic partners but rather systemic rivals. Critical raw materials are essential for the success of the digital and green transitions, but also for the security and defence sector.

The EU therefore needs to reduce existing dependencies and achieve a more balanced set of suppliers. Ideally, these suppliers should be stable democracies that are sharing common values. When this is not possible due to the limited availability of certain critical raw materials, it is essential to keep the dependency on individual suppliers as low as possible in order to avoid disruptions of supply in case of geopolitical tensions. The EU must avoid replacing dependency on one systemic rival only to become dependent on one or more third countries that may pose a challenge to the Union's security.

Strategic Partnerships with likeminded countries are the cornerstone of a successful diversification on critical raw materials. The Rapporteur encourages the Commission to conclude more such Partnerships and to add a critical raw materials component to existing and future agreements with third countries. The wider the range of partner countries, the more stable the supply will be.

The Rapporteur suggests strengthening the human rights component in order to ensure that access to critical raw materials does not come at the expense of citizens and workers in third countries.

AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Industry, Research and Energy, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Access to raw materials is essential for the **Union** economy **and** the functioning of the internal market. There is a set of non-energy, non-agricultural raw materials that, due to their high economic importance and their exposure to high supply risk, often caused by a high concentration of supply from a few third countries, are considered critical. Given the

Amendment

(1) Access to raw materials is essential for the **Union's** economy, **security and defence, green transition as well as** the functioning of the internal market. There is a set of non-energy, non-agricultural raw materials that, due to their high economic importance and their exposure to high supply risk, often caused by a high concentration of supply from a few third

key role of many such critical raw materials in realising the green and digital transitions, and in light of their use for defence and space applications, demand will increase exponentially in the coming decades. At the same time, the risk of supply disruptions is increasing against the background of rising geopolitical tensions and resource competition. Furthermore, if not managed properly, increased demand for critical raw materials could lead to negative environmental and social impacts. Considering these trends, it is necessary to take measures to ensure access to a secure and sustainable supply of critical raw materials to safeguard the Union's economic resilience and open strategic autonomy.

countries, are considered critical **and strategic**. **Often, these third countries are ruled by non-democratic regimes and leverage their resources to exert undue influence on the Union or even as coercive mechanisms against the Union.** Given the key role of many such critical raw materials in realising the green and digital transitions, and in light of their use for **security and** defence and space applications, demand will increase exponentially in the coming decades. At the same time, the risk of supply disruptions is increasing against the background of rising geopolitical tensions, **insufficient coordination both within the European Union and amongst the European Union and its strategic partners** and resource competition. Furthermore, if not managed **and mitigated** properly, increased demand for critical raw materials could lead to negative **human rights**, environmental, **economic** and social impacts. Considering these trends, it is necessary to take measures to ensure access to a secure and sustainable supply of critical raw materials to safeguard the Union's economic resilience, **security and defence**, and open strategic autonomy **in line with the Versailles Declaration of 10 March 2022, the Strategic Compass, and the Joint Communication on the Defence Investment Gaps Analysis and Way Forward.**

Amendment 2

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) In light of the Russian war of aggression against Ukraine, the Member States committed to bolster European defence capabilities, pursuing a strategic course of action to increase the capacity of the Union to act autonomously in the

field of defence, in complementarity with the North Atlantic Treaty Organisation (NATO).

Amendment 3

Proposal for a regulation

Recital 1 b (new)

Text proposed by the Commission

Amendment

(1 b) The growing assertiveness of the People's Republic of China (PRC), including aggressive posturing against Taiwan, and the social and economic consequences of the COVID-19 pandemic, exposed the Union's vulnerabilities, and reaffirmed the need to de-risk the Union's relations vis-a-vis the PRC and other third countries.

Amendment 4

Proposal for a regulation

Recital 1 c (new)

Text proposed by the Commission

Amendment

(1 c) The security situation in Europe and around the globe requires urgent reflection on how to strengthen supply chain resilience, including in the defence sector.

Amendment 5

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) Given the complexity and the transnational character of critical raw material value chains, uncoordinated national measures to ensure a secure and sustainable supply of critical raw materials

(2) Given the complexity and the transnational character of critical raw material value chains, ***security challenges facing many raw material suppliers as well as threats to transport***, uncoordinated

have a high potential of distorting competition and fragmenting the internal market. Therefore, to safeguard the functioning of the internal market, a common **Union** framework **should be created** to collectively address this central challenge.

national measures to ensure a secure and sustainable supply of critical raw materials have a high potential of distorting competition and fragmenting the internal market. Therefore, to safeguard the functioning of the internal market, **the EU should create** a common framework to collectively address this central challenge.

Or. en

Amendment 6
Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) Once the Union has created its common framework for ensuring a secure and sustainable supply of critical raw materials, it is necessary to have a structured dialogue with like-minded partners to share the needs analysis and mapping of resources and extraction of critical raw materials, to avoid a harmful race between partners, and, moreover, to pool capacity in obtaining mutually beneficial access to critical raw materials.

Or. en

Amendment 7
Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

(3) Firstly, in order to effectively ensure the Union's access to a secure and sustainable supply of critical raw materials, that framework should include measures to decrease the Union's growing supply risks by strengthening Union capacities along all stages of the strategic raw materials value

(3) Firstly, in order to effectively ensure the Union's access to a secure, **unhindered** and sustainable supply of critical raw materials, that framework should include measures to decrease the Union's **demand, dependence and** growing supply risks by strengthening Union

chain, including extraction, processing and recycling, towards benchmarks defined for each strategic raw material. Secondly, as the Union will continue to rely on imports, the framework should include measures to increase the diversification of external supplies of strategic raw materials. Thirdly, is necessary to provide measures to reinforce the Union’s ability to monitor and mitigate existing and future supply risks. **Fourthly**, the framework should contain measures to increase the circularity and sustainability of the critical raw materials consumed in the Union.

capacities along all stages of the strategic raw materials value chain, including extraction, processing and recycling **and transport infrastructure**, towards benchmarks defined for each strategic raw material. Secondly, as the Union will continue to rely on imports, the framework should include measures to increase the diversification of external supplies of strategic raw materials, **and reduce its dependence particularly on third countries that are recognised by the Union as systemic rivals, constitute a direct threat to the Union and/or pose threat to rules-based multilateralism and core democratic values, especially the People’s Republic of China**. Thirdly, **measures to increase diversification must have in regard the Union’s strategic interests and principles enshrined in the EU Treaties**. **Fourthly**, it is necessary to provide measures to reinforce the Union’s ability to **identify**, monitor and mitigate existing and future supply risks. **Fifthly**, the framework should contain measures to increase the circularity and sustainability of the critical raw materials consumed in the Union **and should envisage cooperation strategies to promote such measures in third countries**.

Amendment 8

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) Future EU free trade and partnership agreements can provide not only greater supply security but also a reliable political and economic framework for relations with third countries. The EU should ensure that existing and future trade agreements support a just green transition in developing countries and follow the “do no significant harm” principle, and, where possible, they

should include specific provisions on critical raw materials. This must be complemented by strengthened monitoring and enforcement of free trade agreements, including trade and sustainable development chapters, to ensure that commitments and provisions on the responsible sourcing of critical raw materials are defined and are met by the Union's partners.

Amendment 9
Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) In order to ensure that the measures set out in the Regulation focus on the most relevant materials, a list of strategic raw materials and a list of critical raw materials should be established. Those lists should also serve to guide and coordinate Member States' efforts to contribute to the realisation of the aims of this Regulation. The list of strategic raw materials should contain raw materials that are of high strategic importance, taking into account their use in strategic technologies underpinning the green and digital transitions or for defence or space applications, that are characterised by a potentially significant gap between global supply and projected demand, and for which an increase in production is relatively difficult, for instance due to long lead-times for new projects increasing supply capacity. To take account of possible technological and economic changes, the list of strategic materials should be periodically reviewed and, if necessary, updated. In order to ensure that efforts to increase the Union capacities along the value chain, reinforce the Union's capacity to monitor and mitigate supply risks and increase diversification of supply are focused on the materials for which they are most needed, the relevant

Amendment

(4) In order to ensure that the measures set out in the Regulation focus on the most relevant materials, a list of strategic raw materials and a list of critical raw materials should be established. Those lists should also serve to guide and coordinate Member States' efforts to contribute to the realisation of the aims of this Regulation. The list of strategic raw materials should contain raw materials that are of high strategic importance, taking into account their use in strategic technologies underpinning the green and digital transitions or for defence or space applications, that are characterised by a potentially significant gap between global supply and projected demand, and for which an increase in production is relatively difficult, for instance due to long lead-times for new projects increasing supply capacity. To take account of possible technological and economic changes, the list of strategic materials should be periodically reviewed and, if necessary, updated. ***The assessment should take into account not only the latest available data but the forecasted evolution of demand-supply over an appropriate reference period, to address possible future scarcity or supply disruption.*** In order to ensure that efforts to

measures should only apply to the list of strategic raw materials.

increase the Union capacities along the value chain, reinforce the Union's capacity to monitor and mitigate supply risks and increase diversification of supply are focused on the materials for which they are most needed, the relevant measures should only apply to the list of strategic raw materials.

Or. en

Amendment 10
Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) The list of critical raw materials should contain all strategic raw materials as well as any other raw materials of high importance for the overall Union economy and for which there is a high risk of supply disruption. To take account of possible technological and economic changes, the Commission should, in continuation of current practice, periodically perform an assessment based on data for production, trade, applications, recycling, and substitution for a wide range of raw materials to update the lists of critical and strategic raw materials reflecting the evolution in the economic importance and supply risk associated with those raw materials. The list of critical raw materials should include those raw materials which reach or exceed the thresholds for both economic importance and supply risk, without ranking the relevant raw materials in terms of criticality. This assessment should be based on an average of the latest available data over a 5-year-period. The measures set out in this Regulation related to one stop shop for permitting, planning, exploration, monitoring, circularity, and sustainability should apply to all critical raw materials.

Amendment

(5) The list of critical raw materials should contain all strategic raw materials as well as any other raw materials of high importance for the overall Union economy and for which there is a high risk of supply disruption, ***naturally or intentionally***. To take account of possible technological and economic changes, the Commission should, in continuation of current practice, periodically perform an assessment based on data for production, trade, applications, recycling, and substitution for a wide range of raw materials to update the lists of critical and strategic raw materials reflecting the evolution in the economic importance and supply risk associated with those raw materials. The list of critical raw materials should include those raw materials which reach or exceed the thresholds for both economic importance and supply risk, without ranking the relevant raw materials in terms of criticality. This assessment should be based on an average of the latest available data over a 2-year-period. The measures set out in this Regulation related to one stop shop for permitting, planning, exploration, monitoring, circularity, and sustainability should apply to all critical raw materials.

Amendment 11
Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) To strengthen Union capacities along the strategic raw materials value chain, benchmarks should be set to guide efforts and track progress. The aim should be to increase capacities for each strategic raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks for extraction, processing and recycling of strategic raw materials. Firstly, the Union should increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any bottlenecks at intermediate stages, the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least 15 % of the Union's annual consumption of strategic raw materials. These benchmarks refer to the 2030 time horizon, in alignment with the

Amendment

(6) To strengthen Union capacities along the strategic raw materials value chain, benchmarks should be set to guide efforts and track progress. The aim should be to increase capacities for each strategic raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks for extraction, **transport**, processing and recycling of strategic raw materials. Firstly, the Union should increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any bottlenecks at intermediate stages, the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least 15 % of the Union's annual consumption of strategic raw materials. These benchmarks refer to the 2030 time horizon, in alignment with the

Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council^[1] and the digital targets under the Digital Decade^[2], which they underpin.

Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU's competitiveness.

¹ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1).

² Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJL 323, 19.12.2022, p. 4–26)

Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council^[1] and the digital targets under the Digital Decade^[2], which they underpin.

Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU's competitiveness.

¹ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1).

² Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJL 323, 19.12.2022, p. 4–26)

Or. en

Amendment 12

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) For some raw materials, the Union is almost fully dependent on a single country for its supply. Such dependencies entail a high risk of supply disruptions. To limit such **potential risk** and increase the Union's economic resilience, efforts should be undertaken to ensure that, by 2030, it is not dependent on a single third country for more than 65% of its supply of any strategic raw material, unprocessed and at any stage of processing, **giving however special consideration to countries with whom the Union has established a**

Amendment

(7) For some raw materials, the Union is almost fully dependent on a single country for its supply. Such dependencies entail a high risk of supply disruptions **and, in the case of the People's Republic of China, increases the Union's vulnerability and security risks. Likewise, a large number of strategic raw materials are sourced from countries in which mining is linked to serious human rights abuses, the deterioration of governance, conflicts, and environmental destruction.** To limit such **adverse effects** and increase the

Strategic *Partnership on raw materials giving rise to greater assurances regarding supply risks.*

Union's economic resilience, efforts should be undertaken to ensure that, by 2030, it is not dependent on a single third country for more than 65% *aiming to continue reducing this dependencies to around 45% in the future* of its supply of any strategic raw material, unprocessed and at any stage of processing, *and has implemented autonomous and collaborative measures to mitigate the risk of human rights abuses and environmental destruction in the raw material supply chain, including via the use of Strategic Partnerships. Furthermore, dependencies should be gradually reduced and bought to a minimum when they tie us to non-democratic countries who actively challenge the rules-based international system.*

Amendment 13

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board, identify Strategic Projects in third countries that intend to become active in the extraction, processing or recycling of strategic raw materials. To ensure that such Strategic Projects are effectively implemented, *they* should benefit from improved access to finance. In order to ensure their added value, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably. For projects in emerging markets and developing economies, the project should be mutually beneficial for the Union and

Amendment

(10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board *and, where possible, in coordination with like-minded partners including the G7 and NATO and EFTA Member States*, identify Strategic Projects in third countries that intend to become active in the extraction, *transport*, processing or recycling of strategic raw materials. To ensure that such Strategic Projects are effectively implemented *and are mutually beneficial, third countries* should benefit from improved access to finance, *and knowledge and technology transfer mechanisms*. In order to ensure their added value, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries should strengthen the

the third country involved and add value in that country, taking into account also its consistency with the Union's common commercial policy. Such value may be derived from the project's contribution to more than one stage of the value chain as well as from creating through the project wider economic and social benefits, including the creation of employment in compliance with international standards. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.

Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably **and with full respect for human rights and the environment, based on rigorous environmental and social impact assessments, and the implementation of due-diligence principles.** For projects in emerging markets and developing economies, the project should be mutually beneficial for the Union and the third country involved and add value in that country, taking into account also its consistency with the **principles enshrined in the EU Treaties, the Union's common commercial policy and strategic priorities as well as relevant international agreements and conventions, notably ILO Conventions as well as the right to free, prior and informed consent in line with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).** Such value may be derived from the project's contribution to more than one stage of the **whole** value chain as well as from creating through the project wider economic and social benefits, including the creation of employment in compliance with international standards. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.

Amendment 14

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) In order to ensure the sustainability of increased raw material production, new raw materials projects should be implemented sustainably. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability

Amendment

(11) In order to ensure the **social and environmental** sustainability of increased raw material production, new raw materials projects should be implemented sustainably **and ensure the respect of human rights.** To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into

highlighted in the EU principles for sustainable raw materials³¹, including ensuring environmental protection, socially responsible practices, including respect for human rights such as the rights of women, and transparent business practices. Projects should also ensure engagement in good faith as well as comprehensive and meaningful consultations with local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, international standards, guidelines and principles or **participation in a** certification scheme recognised under this Regulation should be considered sufficient.

account international instruments covering all aspects of sustainability highlighted in the EU principles for sustainable raw materials³¹, including ensuring environmental protection, socially responsible practices, including respect for human rights such as the rights of women **and children**, and transparent business practices. Projects should also ensure engagement in good faith as well as comprehensive, **pragmatic** and meaningful **prior** consultations with local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, **including the Directive on Corporate Sustainable Due Diligence or Regulation on Prohibiting Products Made with Forced Labour on the Union Market**, international standards, guidelines and principles or **in compliance with the** certification scheme recognised under this Regulation should be considered sufficient. **The project promoters should have a deep understanding of the country they are negotiating with, build a relationship with the local communities and truly understand their needs, input and output to the project. The EU needs to build long-term partnerships that go beyond the sole purpose of accessing raw materials, but create diplomatic ties in a deeply polarized geopolitical context. In order to ensure that Strategic Projects are implemented in a sustainable manner and respect human rights, a dedicated subgroup of the Board bringing together experts from the Member States and the Commission as well as relevant stakeholders should be set up to monitor and address potential shortcomings regarding these aspects.**

³¹ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications

³¹ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications

Amendment 15
Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) Any promoter of a strategic raw materials project should be able to apply to the Commission for the recognition of their project as a Strategic Project. The application should include several documents and evidence related to the criteria. To better assess the social, environmental and economic viability, the feasibility of the project as well as the level of confidence in the estimates, the project promoter should also provide a classification of the project according to the United Nations Framework Classification for Resources, and to allow for objective validation, they should support this classification with relevant evidence. A timetable for the project should also be attached to an application, in order to estimate when the project would be able to contribute towards the benchmarks for domestic capacity or for diversification. As public acceptance of mining projects is crucial for their effective implementation, the promoter should also provide a plan containing measures to *facilitate* public *acceptance*. Special attention should be paid to social partners, civil society and other oversight actors. The promoter should also provide a business plan providing information regarding the project's financial viability and giving an overview of funding and off-take agreements already secured as well as estimates for potential job creation and for the project's needs in terms of skilled workforce, including upskilling and reskilling.

Amendment

(12) Any promoter of a strategic raw materials project should be able to apply to the Commission for the recognition of their project as a Strategic Project. The application should include several documents and evidence related to the criteria. To better assess the social, environmental and economic viability, the feasibility of the project as well as the level of confidence in the estimates, the project promoter should also provide a classification of the project according to the United Nations Framework Classification for Resources, and to allow for objective validation, they should support this classification with relevant evidence. A timetable for the project should also be attached to an application, in order to estimate when the project would be able to contribute towards the benchmarks for domestic capacity or for diversification. As public acceptance of mining projects is crucial for their effective implementation, the promoter should also provide a plan containing measures to *ensure* public *participation*. Special attention should be paid to social partners, civil society and other oversight actors. The promoter should also provide a business plan providing information regarding the project's financial viability and giving an overview of funding and off-take agreements already secured as well as estimates for potential job creation and for the project's needs in terms of skilled workforce, including upskilling and reskilling.

Amendment 16

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) To ensure the effective and efficient treatment of applications, the Commission should be able to prioritise the processing of applications for projects related to specific underrepresented value chain stages or strategic raw materials, in order to be able to ensure the Union's balanced progress towards all benchmark for Union capacity included in this Regulation.

Amendment

(13) To ensure the effective and efficient treatment of applications, the Commission should be able to prioritise the processing of applications for projects related to specific underrepresented value chain stages or strategic raw materials, in order to be able to ensure the Union's balanced progress towards all benchmark for Union capacity included in this Regulation. ***The Commission should also proactively seek out partner countries to promote strategic collaborations.***

Amendment 17

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) As the cooperation of the Member State on whose territory a Strategic Project will be implemented is necessary to ensure its effective implementation, that Member State should have the right to object to and thereby prevent that a project is granted the status of Strategic Project against its will. If it does so, the relevant Member State should provide a reasoned justification for its refusal referring to the applicable criteria. Similarly, the Union should not grant the status of Strategic Project to projects that will be implemented by a third country against the will of its government

Amendment

(14) As the cooperation of the Member State on whose territory a Strategic Project will be implemented is necessary to ensure its effective implementation, that Member State should have the right to object to and thereby prevent that a project is granted the status of Strategic Project against its will. If it does so, the relevant Member State should provide a reasoned justification for its refusal referring to the applicable criteria. Similarly, the Union should not grant the status of Strategic Project to projects that will be implemented by a third country against the will of its government

and should therefore refrain from doing so where a third country government objects.

and should therefore refrain from doing so where a third country government objects, ***taking into account that environmental and social impacts are the main factors leading to a lack of public acceptance in the extractive sector.***

Or. en

Amendment 18
Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Given their role in ensuring the Union's security of supply for strategic raw materials, and their contribution to the Union's open strategic autonomy and the green and digital transition, Strategic Projects should be considered by the responsible permitting authority as being in the public interest. Strategic Projects which have an adverse impact on the environment, to the extent it falls under the scope of Directive 2000/60/EC, Council Directive 92/43/EEC and Directive 2009/147/EC³⁹ may be authorised where the responsible permitting authority concludes, based on its case-by-case assessment, that the public interest served by the project overrides those impacts, provided that all relevant conditions set out in those Directives are met. Where relevant, the case-by-case assessment should take into account the geological specificity of extraction sites, which constrains decisions on location.

³⁹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7–25).

Amendment

(19) Given their role in ensuring the Union's security of supply for strategic raw materials, and their contribution to the Union's, ***security, resilience***, open strategic autonomy and the green and digital transition, Strategic Projects should be considered by the responsible permitting authority as being in the public interest. Strategic Projects which have an adverse impact on the environment, to the extent it falls under the scope of Directive 2000/60/EC, Council Directive 92/43/EEC and Directive 2009/147/EC may be authorised where the responsible permitting authority concludes, based on its case-by-case assessment, that the public interest served by the project overrides those impacts, provided that all relevant conditions set out in those Directives are met. Where relevant, the case-by-case assessment should take into account the geological specificity of extraction sites, which constrains decisions on location.

³⁹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7–25).

Or. en

Amendment 19
Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) In order to reduce complexity and increase efficiency and transparency in permitting process, project promoters of critical raw materials projects should be able to interact with a single national authority, which is responsible for facilitating and coordinating the entire permit granting process and in the case of Strategic Projects shall issue a comprehensive decision within the applicable time limit. To that end, Member States should designate a single national competent authority. Where needed in light of a Member State's internal organisation, the tasks of the national competent authority should be able to be delegated to a different authority, subject to the same conditions. To ensure the effective implementation of its responsibilities, Member States should provide their national competent authority, or any authority acting on its behalf, with sufficient personnel and resources.

Amendment

(20) In order to reduce complexity and increase efficiency and transparency in permitting process, project promoters of critical raw materials projects should be able to interact with a single national authority, which is responsible for facilitating and coordinating the entire permit granting process and in the case of Strategic Projects shall issue a comprehensive decision within the applicable time limit. To that end, Member States should designate a single national competent authority. Where needed in light of a Member State's internal organisation, the tasks of the national competent authority should be able to be delegated to a different authority, subject to the same conditions. To ensure the effective implementation of its responsibilities, Member States should provide their national competent authority, or any authority acting on its behalf, with sufficient **qualified** personnel and resources.

Or. en

Amendment 20
Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Land use conflicts can **create barriers to** the deployment of critical raw material projects. Well-designed plans, including spatial plans and zoning, that take into account the potential for

Amendment

(25) Land use conflicts can **arise from** the deployment of critical raw material projects, **notably in developing countries, where forced eviction or relocation are common features of mining operations.**

implementing critical raw material projects and whose potential environmental impacts are assessed, have the potential to help balance public goods and interests, decreasing the risk of conflict and accelerating the sustainable deployment of raw materials projects in the Union. Responsible national, regional and local authorities should therefore consider including provisions for raw materials projects when developing relevant plans.

Well-designed plans, including spatial plans and zoning, that take into account the potential for implementing critical raw material projects and whose potential environmental impacts are assessed, have the potential to help balance public goods and interests, decreasing the risk of conflict and accelerating the sustainable deployment of raw materials projects in the Union. Responsible national, regional and local authorities should therefore consider including provisions for raw materials projects when developing relevant plans.

Or. en

Amendment 21

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) In order to overcome the limitations of the currently often fragmented public and private investments efforts, facilitate integration and return on investment, the Commission, Member States and promotional banks should better coordinate and create synergies between the existing funding programmes at Union and national level as well as ensure better coordination and collaboration with industry and key private sector stakeholders. To that end, a dedicated sub-group of the Board bringing together experts from the Member States and the Commission as well as relevant public financial institutions should be set up. This sub-group should discuss the individual financing needs of Strategic Projects and their existing funding possibilities in order to provide project promoters with a suggestion on how to best access existing financing possibilities. When discussing and making recommendations for the financing of Strategic Projects in third countries, the

Amendment

(28) In order to overcome the limitations of the currently often fragmented public and private investments efforts, facilitate integration and return on investment, the Commission, Member States and promotional banks should better coordinate and create synergies between the existing funding programmes at Union and national level as well as ensure better coordination and collaboration with industry and key private sector stakeholders. To that end, a dedicated sub-group of the Board bringing together experts from the Member States and the Commission as well as relevant public financial institutions should be set up. This sub-group should discuss the individual financing needs of Strategic Projects and their existing funding possibilities in order to provide project promoters with a suggestion on how to best access existing financing possibilities. When discussing and making recommendations for the financing of Strategic Projects in third countries, the

Board should in particular take into account the Global Gateway strategy⁴² .

Board should in particular take into account the Global Gateway strategy⁴².

Furthermore, the Board shall ensure that the financing of Strategic Projects in third countries complies with the objectives and general principles set in NDICI - Global Europe Regulation and international investment guidelines and conventions.

⁴² Joint Communication to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank The Global Gateway (JOIN/2021/30 final).

⁴² Joint Communication to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank The Global Gateway (JOIN/2021/30 final).

Amendment 22

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) Space data and services derived from earth observation can support the efforts towards sustainable critical raw materials value chains by providing a continuous flow of information, which could be useful for activities such as monitoring and management of mining areas, the environmental and socio-economic impact assessment, or mineral resource exploration. As earth observation is also able to provide data about remote and inaccessible areas, it should be considered by Member States when drawing up and implementing their national exploration programmes to the extent possible.

Amendment

(33) Space data and services derived from earth observation can support the efforts towards sustainable critical raw materials value chains by providing a continuous flow of information, which could be useful for activities such as monitoring and management of mining areas, the environmental and socio-economic impact assessment, or mineral resource exploration. As earth observation is also able to provide data about remote and inaccessible areas, it should be considered by Member States when drawing up and implementing their national exploration programmes to the extent possible. ***Simultaneously, assessment should be made how to use Copernicus services and other space technology to detect cases of illegal and predatory exploitations, which should be additionally combatted, increasing availability of those material for legal, environmentally friendly and sustainable projects.***

Amendment 23**Proposal for a regulation****Recital 34***Text proposed by the Commission*

(34) Although the reinforcement of the Union's critical raw materials value chain is necessary to ensure increased security of supply, the supply chains of critical raw materials will remain global and exposed to external factors. Recent or ongoing events ranging from the COVID-19 crisis **to the** unprovoked and unjustified military aggression against Ukraine underlined the vulnerability of some of the Union's supply chains to disruptions. In order to ensure that Member States and European industries are able to anticipate supply disruption and prepared to withstand their consequences, measures should be developed to increase monitoring capacity, coordinate strategic stocks and reinforce the preparedness of companies.

Amendment

(34) Although the reinforcement of the Union's critical raw materials value chain is necessary to ensure increased security of supply, the supply chains of critical raw materials will remain global and exposed to external factors. Recent or ongoing events ranging from the COVID-19 crisis, **Russia's** unprovoked and unjustified military aggression against Ukraine **and the People's Republic of China's growing assertiveness and aggressive posturing against Taiwan, as well as a generally more complex geopolitical situation worldwide**, underlined the vulnerability of some of the Union's supply chains to disruptions. In order to ensure that Member States and European industries are able to anticipate supply disruption and prepared to withstand their consequences, measures should be developed to increase monitoring capacity, **exchange information**, coordinate strategic stocks and reinforce the preparedness of companies.

Amendment 24**Proposal for a regulation****Recital 46***Text proposed by the Commission*

(46) To address the current lack of information on the critical raw materials potential of closed extractive waste facilities, Member States should draw up a database containing all information relevant to promote the recovery, notably the quantities and concentrations of critical

Amendment

(46) To address the current lack of information on the critical raw materials potential of closed extractive waste facilities, Member States should draw up a database containing all information relevant to promote the recovery, notably the quantities and concentrations of critical

raw materials in the extractive waste facility, in compliance with Union competition rules. The information should be made publicly available and in a user-friendly and digital form, enabling access to more detailed, technical information. To facilitate user-friendly access to the information, Member States should for instance provide a point of contact to enable more in-depth exchanges with potential developers of critical raw materials recovery projects. The database should be designed to allow potential project promoters to easily identify facilities with a high potential for economically viable recovery. To focus limited resources, Member States should follow a staged approach in the collection of information and perform the more demanding information collection steps only for the most promising facilities. The information collection activities should be aimed at providing accurate and representative information on the extractive waste facilities and gaining the best possible indication of the critical raw materials recovery potential.

raw materials in the extractive waste facility, in compliance with Union competition rules. The information should be made publicly available and in a user-friendly and digital form, enabling access to more detailed, technical information. To facilitate *interactive*, user-friendly access to the information, Member States should for instance provide a point of contact to enable more in-depth exchanges with potential developers of critical raw materials recovery projects. The database should be designed to allow potential project promoters to easily identify facilities with a high potential for economically viable recovery. To focus limited resources, Member States should follow a staged approach in the collection of information and perform the more demanding information collection steps only for the most promising facilities. The information collection activities should be aimed at providing accurate and representative information on the extractive waste facilities and gaining the best possible indication of the critical raw materials recovery potential.

Or. en

Amendment 25

Proposal for a regulation

Recital 49

Text proposed by the Commission

(49) Critical raw materials sold on the Union market are often certified regarding the sustainability of their production and supply chain. Certification can be obtained in the context of a broad range of public and private certification schemes available with varying scopes and stringency, creating the potential for confusion regarding the nature and veracity of claims made about the relative sustainability of

Amendment

(49) Critical raw materials sold on the Union market are often certified regarding the sustainability of their production and supply chain. Certification can be obtained in the context of a broad range of public and private certification schemes available with varying scopes and stringency, creating the potential for confusion regarding the nature and veracity of claims made about the relative sustainability of

critical raw materials placed on the Union market based on such certification. The Commission should be empowered to adopt implementing acts recognising certification schemes that should be considered comprehensive and trustworthy, providing a common basis for authorities and market participants for assessing the sustainability of critical raw materials. Recognition should be given only to certification schemes that cover a broad range of sustainability aspects, including environmental protection, human rights including labour rights and business transparency, and which contain provisions for independent third party verification and monitoring of compliance. To ensure efficient procedures, promoters of projects applying to be recognised as Strategic Projects should be allowed to rely on participation in a recognised scheme to show that their project is implemented sustainably.

critical raw materials placed on the Union market based on such certification. The Commission should be empowered to adopt implementing acts recognising certification schemes that should be considered comprehensive and trustworthy, providing a common basis for authorities and market participants for assessing the sustainability of critical raw materials. Recognition should be given only to certification schemes that cover a broad range of sustainability aspects, including environmental protection, human rights including labour rights and business transparency, and which contain provisions **for *due diligence process including due diligence in relation to forced labour***, independent third party verification and monitoring of compliance. To ensure efficient procedures, promoters of projects applying to be recognised as Strategic Projects should be allowed to rely on participation in a recognised scheme to show that their project is implemented sustainably.

Amendment 26

Proposal for a regulation Recital 50

Text proposed by the Commission

(50) The production of critical raw materials at different stages of the value chain **causes** environmental impacts, whether on climate, water, fauna or flora. In order to limit **such** damage and incentivise the production of more sustainable critical raw materials, the Commission should be empowered to develop a system for the calculation of the environmental footprint of critical raw materials, including a verification process, to ensure that critical raw materials placed on the Union market publicly display information on such footprint. The system should be based on taking into account

Amendment

(50) ***The prevention and elimination of human rights abuses, including the use of forced labour is one of the guiding principles of Union's external commercial and economic relations.*** The production of critical raw materials at different stages of the value chain **may have negative effects on human rights and has** environmental impacts, whether on climate, water, fauna or flora. In order to limit **potential human rights abuses and environmental** damage and incentivise the production of more sustainable critical raw materials, the Commission should be empowered to develop a system for the calculation of the

scientifically sound assessment methods and relevant international standards in the area of life cycle assessment. The requirement to declare the environmental footprint of a material should only apply where it has been concluded, based on a dedicated assessment, that it would contribute to the Union's climate and environmental objectives by facilitating the procurement of critical raw materials with lower environmental footprint and would not disproportionately affect trade flows. When the relevant calculation methods have been adopted, the Commission should develop performance classes for critical raw materials, thereby allowing potential buyers to easily compare the relative environmental footprint of available materials and driving the market towards more sustainable materials. Sellers of critical raw materials should ensure that the environmental footprint declaration is available to their customers. Transparency on the relative footprint of critical raw materials placed on the Union market may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of critical raw materials with lower environmental impacts.

environmental footprint of critical raw materials, including a verification process, to ensure that critical raw materials placed on the Union market publicly display information on such footprint. The system should be based on taking into account scientifically sound assessment methods and relevant international standards, **including** in the area of life cycle assessment. The requirement to declare the **human rights and** environmental footprint of a material should only apply where it has been concluded, based on a dedicated assessment, that it would contribute to the Union's **human rights**, climate and environmental objectives by facilitating the procurement of critical raw materials with lower environmental footprint **and in line with the Union's human rights commitments** and would not disproportionately affect trade flows. When the relevant calculation methods have been adopted, the Commission should develop performance classes for critical raw materials, thereby allowing potential buyers to easily compare the relative **human rights and** environmental footprint of available materials and driving the market towards more sustainable materials. Sellers of critical raw materials should ensure that the environmental footprint declaration is available to their customers **in a clear and accessible manner**. Transparency on the relative footprint of critical raw materials placed on the Union market may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of critical raw materials with lower environmental impacts.

Amendment 27
Proposal for a regulation
Recital 53 a (new)

Text proposed by the Commission

Amendment

(53 a) The Agenda 2030 has given a new impetus to deliver improved livelihoods from extractive resources, provided that careful consideration is paid to the views and expectations of all the key actors in home and host countries, to reconcile issues of sustainable development and security of supply, such as the Africa Mining Vision and the EU Raw Materials Initiative. At the local level, inclusive business models should be implemented in which local communities participate in decision-making, their rights are protected and they benefit from extractive industries.

Or. en

Amendment 28

Proposal for a regulation

Recital 54

Text proposed by the Commission

Amendment

(54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify supply, these efforts should continue. To develop and ensure a coherent framework for the conclusion of future partnerships, the Member States and the Commission should, as part of their interaction on the Board, discuss and ensure coordination on, inter alia, whether existing partnerships achieve the intended aims, the prioritisation of third countries for new partnerships, the content of such partnerships and their coherence and potential synergies between Member States' bilateral cooperation with relevant third countries. The Union should seek

(54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify supply, these efforts should continue. ***Further effort must also be paid to cooperation and coordination with international partners, especially like-minded partners, countries participating in the internal market or candidate countries.*** To develop and ensure a coherent framework for the conclusion of future partnerships, the Member States and the Commission should, as part of their interaction on the Board, ***and with full involvement of the European Parliament***, discuss and ensure coordination on, inter alia, whether existing partnerships achieve the intended aims, the

mutually beneficial partnerships with emerging market and developing economies, in coherence with its Global Gateway strategy, which contribute to the diversification of its raw materials supply chain as well as add value in the production in these countries.

prioritisation of third countries for new partnerships, the content of such partnerships and their coherence and potential synergies between Member States' bilateral cooperation with relevant third countries. The Union should seek mutually beneficial partnerships with emerging market and developing economies, in coherence with its Global Gateway strategy, which contribute to the diversification of its raw materials supply chain as well as add value in the production in these countries. ***Strategic partnerships should include commitments from the Union to offer technical assistance to tackle illicit financial flows, improve regulation of the activities of trans-national corporations and financial regulation, as well technical assistance to governments and private actors to support compliance with Union legislation on supply chain due diligence.***

Amendment 29

Proposal for a regulation Recital 55

Text proposed by the Commission

(55) In order to support the implementation of tasks pertaining to the development of Strategic Projects and their financing, exploration programmes, monitoring capacities or strategic stocks and to advise the Commission appropriately, a European Critical Raw Materials Board should be established. The Board should be composed of Member States and of the Commission, while being able to ensure participation of other parties as observers. To develop the necessary expertise for the implementation of certain tasks, the Board should establish standing sub-groups on financing, exploration, monitoring **and** strategic stocks, that should act as a network by gathering the different relevant national authorities and,

Amendment

(55) In order to support the implementation of tasks pertaining to the development of Strategic Projects and their financing, exploration programmes, monitoring capacities or strategic stocks and to advise the Commission appropriately, a European Critical Raw Materials Board should be established. The Board should be composed of Member States and of the Commission, while being able to ensure participation of other parties as observers, ***such as academics, civil society organisations, other EU institutions, and EU agencies. The European Defence Agency should be invited to take part in the Board meetings and consulted for items related to supply of critical raw materials directly affecting***

when necessary, consult industry, academia, civil society and other relevant stakeholders. The Board's advice and opinions should be non-binding and the absence of such an advice or opinion should not prevent the Commission from performing its tasks under this Regulation.

the defence industry. To develop the necessary expertise for the implementation of certain tasks, the Board should establish standing sub-groups on financing, exploration, monitoring, strategic stocks *and sustainability*, that should act as a network by gathering the different relevant national authorities and, when necessary, consult industry, academia, civil society and other relevant stakeholders. The Board's advice and opinions should be non-binding and the absence of such an advice or opinion should not prevent the Commission from performing its tasks under this Regulation.

Amendment 30

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the Union's access to a secure and sustainable supply of critical raw materials.

Amendment

1. The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the Union's access to a secure, *unhindered* and sustainable supply of critical *and strategic* raw materials, *while strengthening existing democratic partnerships and creating new diplomatic ties*.

Amendment 31

Proposal for a regulation Article 1 – paragraph 2 – point a – point iii

Text proposed by the Commission

(iii) Union recycling capacity, including for all intermediate recycling steps, is able to produce at least **15%** of the Union's annual consumption of strategic raw materials.

Amendment

(iii) Union recycling capacity, including for all intermediate recycling steps, is able to produce at least **25%** of the Union's annual consumption of strategic raw materials.

Or. en

Amendment 32

Proposal for a regulation

Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) diversify the Union's imports of strategic raw materials with a view to ensure that, by 2030, the Union's annual consumption of each strategic raw material at any relevant stage of processing can rely on imports from several third countries, none of which provide more than 65% of the Union's annual consumption;

Amendment

(b) diversify the Union's imports of strategic raw materials with a view to ensure that, by 2030, the Union's annual consumption of each strategic raw material at any relevant stage of processing can rely on imports from several third countries, none of which provide more than 65% of the Union's annual consumption, ***and to continue working towards further reducing the level of dependency on individual third countries, particularly on those recognised by the Union as systemic rivals that constitute a direct threat to the Union and pose a threat to rules-based multilateralism, and countries failing to uphold fundamental democratic standards.***

Amendment 33

Proposal for a regulation

Article 1 – paragraph 2 – point c

Text proposed by the Commission

(c) improve the Union's ability to monitor and mitigate the supply risk related to critical raw materials;

Amendment

(c) improve the Union's ability to monitor and mitigate the supply risk related to critical raw materials, ***taking into account global competitiveness and avoiding any undue costs;***

Or. en

Amendment 34

Proposal for a regulation

Article 1 – paragraph 2 – point d

Text proposed by the Commission

(d) ensure the free movement of critical raw materials and products containing critical raw materials placed on the Union market while ensuring a high level of environmental protection, by improving their circularity and sustainability.

Amendment

(d) ensure the free movement of critical raw materials and products containing critical raw materials placed on the Union market while ensuring a high level of environmental protection ***and sustainability***, by improving their circularity and sustainability;

Or. en

Amendment 35

Proposal for a regulation

Article 1 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) bolster the Union’s ability to achieve its objectives in the realm of security and defence policy by ensuring the secure supply of critical and strategic raw materials;

Amendment 36

Proposal for a regulation

Article 1 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(d b) work towards limiting illegal and predatory extraction of raw materials, which should lead to greater availability of such materials to legally and environmentally friendly projects;

Or. en

Amendment 37

Proposal for a regulation

Article 1 – paragraph 2 – point d c (new)

Text proposed by the Commission

Amendment

(d c) strengthen cooperation with like-minded countries in order to commonly address existing and future global challenges.

Or. en

Amendment 38
Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

Amendment

3. ***Where***, based on ***the*** report referred to in Article 42, ***the Commission concludes*** that the Union is likely ***not*** to achieve the objectives set out in paragraph 2, ***it shall assess*** the feasibility and proportionality of ***proposing*** measures ***or exercising its powers at Union level*** in order to ensure ***the achievement of*** those objectives.

3. ***The European Commission has to publish a report, at the latest 6 months after publication of this regulation, outlining its methodology for the benchmarks that apply to each strategic raw material. This has to include a quantification of the level of investment required per material and an overview of the main bottlenecks that need to be overcome. Should the Commission conclude***, based on ***this initial*** report ***or the additional three-year progress reports*** referred to in Article 42, that the Union is ***not*** likely to achieve the objectives set out in paragraph 2, ***an assessment needs to be undertaken on*** the feasibility and proportionality of ***new*** measures in order to ensure ***that*** those objectives ***can be achieved at Union level***.

Or. en

Amendment 39
Proposal for a regulation
Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. *An open and constant dialogue between industry and policymakers should be encouraged to identify benchmarks that are both technically and economically feasible, as well as in line with the EU's objectives.*

Amendment 40
Proposal for a regulation
Article 2 – paragraph 1 – point 3 a (new)

Text proposed by the Commission

Amendment

(3 a) *‘secondary raw material’ means a substance or material recovered from processes residuals or from end of life products, that can be used in manufacturing processes instead of or in combination with virgin raw material;*

Or. en

Amendment 41
Proposal for a regulation
Article 2 – paragraph 1 – point 38 a (new)

Text proposed by the Commission

Amendment

(38 a) *‘defence products’ mean products awarded in the field of defence and security within the meaning established in Directive 2009/81/EC;*

Amendment 42
Proposal for a regulation
Article 2 – paragraph 1 – point 62

Text proposed by the Commission

Amendment

(62) *‘Strategic Partnership’ means a commitment between the Union and a third*

(62) *‘Strategic Partnership’ means a **reciprocal** commitment between the Union*

country to increase cooperation related to the raw materials value chain that is established through a non-binding instrument setting out concrete actions of mutual interest.

and a third country to increase cooperation related to the raw materials value chain that is established through a non-binding instrument setting out concrete actions of mutual interest.

Or. en

Amendment 43
Proposal for a regulation
Article 2 – paragraph 1 – point 62 a (new)

Text proposed by the Commission

Amendment

(62 a) ‘Essential Use Concept’ means a concept as described in the Commission Report ‘Supporting the Commission in developing an essential use concept’, published in March 2023;

Or. en

Amendment 44
Proposal for a regulation
Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. By derogation from Paragraph 3 of this Article, the Commission shall add additional raw materials on the list upon request of the Board if the Board or the Commission detects while exercising the monitoring, stress testing and information obligations under Articles 19.1, 19.2 and 20 of this regulation changes in supply and access to specific raw materials that risk endangering supply and the targets set out in Article 1.2.

Or. en

Amendment 45

Proposal for a regulation Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *The status of critical and strategic raw materials shall be considered in all EU legislation where materials are directly or indirectly impacted both in general, product specific, and substance specific legislation.*

Amendment 46

Proposal for a regulation Article 4 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. *All critical and strategic raw materials should be considered to meet the “essentiality” criteria under the Essential Use Concept.*

Amendment 47

Proposal for a regulation Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. *By derogation from Paragraph 3 of this Article, the Commission shall update the list upon request of the Board if the Board or the Commission detects while exercising the monitoring, stress testing and information obligations under Articles 19.1, 19.2 and 20 of this regulation changes in supply and access to specific raw materials that risk endangering supply and the targets set out in Article 1.*

Or. en

Amendment 48
Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. Following an application of the project promoter and in accordance with the procedure established in Article 6, the Commission shall recognise as Strategic Projects raw material projects that meet the following criteria:

Amendment

1. Following an application of the project promoter and in accordance with the procedure established in Article 6, the Commission shall recognise as Strategic Projects raw material projects that ***contributes to the objectives of this Regulation as set out in Article 1 and*** meet the following criteria:

Or. en

Amendment 49
Proposal for a regulation
Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) the project would make a meaningful contribution to the security of ***the Union's*** supply of strategic raw materials;

Amendment

(a) the project would make a meaningful contribution to the ***Union's*** security of supply of strategic raw materials;

Or. en

Amendment 50
Proposal for a regulation
Article 5 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the project would contribute to reducing European Union dependency systemic rivals and countries failing to uphold fundamental democratic standards;

Or. en

Amendment 51
Proposal for a regulation
Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) the project would be implemented sustainably, in particular as regards the monitoring, prevention and minimisation of environmental impacts, ***the use of socially responsible practices*** including respect of human and labour rights, quality jobs potential and meaningful engagement with local communities and relevant social partners, and the use of transparent business practices with ***adequate*** compliance policies to prevent and minimise risks of adverse impacts on the proper functioning of public administration, including corruption and bribery;

Amendment

(c) the project would be implemented sustainably, in particular as regards the monitoring, prevention and minimisation of ***social and*** environmental impacts ***and human rights violations***, including respect of human and labour rights, quality jobs potential and meaningful engagement with local communities and relevant social partners, and the use of transparent business practices with ***strong*** compliance policies to prevent and minimise risks of adverse impacts on the proper functioning of public administration, including corruption and bribery;

Or. en

Amendment 52
Proposal for a regulation
Article 5 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the projects would also provide a detailed complaints mechanism for individuals to report any human rights violations, as well as remedies for such violations;

Amendment 53
Proposal for a regulation
Article 5 – paragraph 1 – point d

Text proposed by the Commission

(d) for projects in the Union, the establishment, operation or production of the project would have cross-border

Amendment

(d) for projects in the Union, ***that the project contributes to the volumes required to achieve the self-sufficiency***

benefits beyond the Member State concerned, including for downstream sectors;

objectives in Article 1(2)(a) indent (i), (ii), and (iii) and that the establishment, operation or production of the project would have cross-border benefits beyond the Member State concerned, including for downstream sectors;

Or. en

Amendment 54

Proposal for a regulation Article 5 – paragraph 1 – point e

Text proposed by the Commission

(e) for projects in third countries that are emerging markets or developing economies, the project would be mutually beneficial for the Union and the third country concerned by adding value ***in that country***.

Amendment

(e) for projects in third countries that are emerging markets or developing economies, the project would ***respect international standards and conventions on human rights and the environment, and*** be mutually beneficial for the Union and the third country concerned by adding ***local*** value, ***notably through inclusive business models in which local communities participate in decision-making, their rights are protected and they benefit from extractive activities, and to contribute to the Union's economic resilience as well as security and defence objectives***.

Amendment 55

Proposal for a regulation Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Where relevant, consider the feasibility of complementary infrastructure strategic projects that have the possibility to improve transport and communication related to the raw materials strategic projects

Amendment 56
Proposal for a regulation
Article 6 – paragraph 1 – point d

Text proposed by the Commission

(d) a plan containing measures to **facilitate** public **acceptance** including, **where appropriate**, the establishment of recurrent communication channels with the local communities and organisations, including social partners, the implementation of awareness-raising and information campaigns and the establishment of mitigation and compensation mechanisms;

Amendment

(d) a plan containing measures to **ensure** public **participation and consent at all stages of the project** including the establishment of recurrent communication **and consultation** channels with the local communities and organisations, including social partners, the implementation of awareness-raising and information campaigns and the establishment of mitigation and compensation mechanisms. **Where the project involves resettlement, a plan detailing how legitimate tenure rights-holders will be identified and participate in the valuation process, and how compensation processes for loss of assets or lands are fair, timely and guaranteed;**

Or. en

Amendment 57
Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt implementing acts establishing a template to be used by project promoters for the applications referred to in paragraph 1. The template may indicate how the information referred to in paragraph 1 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).

Amendment

2. The Commission is empowered to adopt implementing acts establishing a template to be used by project promoters for the applications referred to in paragraph 1. The template may indicate how the information referred to in paragraph 1 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2) **no later than 6 months after the entry into force of this Regulation.**

Or. en

Amendment 58
Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. Where the Commission considers that information provided in the application is incomplete, it shall give the applicant ***the opportunity*** to submit the additional information required to complete the application in a timely manner.

Amendment

3. Where the Commission considers that information provided in the application is incomplete, it shall give the applicant ***further clarifications regarding the missing information and the possibility*** to submit the additional information required to complete the application in a timely manner.

Or. en

Amendment 59
Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

4. The European Critical Raw Materials Board referred to in Article 34 ('the Board') shall, based on a fair and transparent process, discuss and issue an opinion on the completeness of the application and whether the proposed project fulfils the criteria set out in Article 5(1).

Amendment

4. The European Critical Raw Materials Board referred to in Article 34 ('the Board') shall, based on a fair and transparent process, discuss and issue an opinion on the completeness of the application and whether the proposed project fulfils the criteria set out in Article 5(1) ***no later than within 3 months of the application. The Board shall invite the relevant representatives from industry, local communities and civil society for these discussions, and issue an opinion following a broad consultation.***

Or. en

Amendment 60
Proposal for a regulation
Article 6 – paragraph 9

Text proposed by the Commission

9. Projects which are no longer recognised as Strategic Projects shall lose all rights connected to that status under this Regulation.

Amendment

9. Projects which are no longer recognised as Strategic Projects shall lose all rights connected to that status under this Regulation. ***The project promoter shall ensure that no sensitive or classified information about EU critical raw materials is made publicly available on the website beyond what is required for fulfilling the transparency obligations in this paragraph.***

Or. en

Amendment 61
Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Whether or not a Strategic Project meets the conditions laid down in paragraph 2, shall be discussed and agreed in cooperation with national authorities in charge of those legislative frameworks.

Or. en

Amendment 62
Proposal for a regulation
Article 14 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) expedited processing of administrative requirements directly related to the granting of Strategic Project status and the implementation of the Project;

Or. en

Amendment 63
Proposal for a regulation
Article 14 – paragraph 2 – point b

Text proposed by the Commission

(b) assistance to project promoters to further increase the **public** acceptance of the project.

Amendment

(b) assistance to project promoters to **provide detailed information to the public in a timely manner** to further increase the **public's participation and** acceptance of the project. .

Or. en

Amendment 64
Proposal for a regulation
Article 15 – paragraph 1 – point a

Text proposed by the Commission

(a) additional private sources of financing;

Amendment

(a) additional private sources of financing, **in particular generated through the Global Gateway initiative**;

Or. en

Amendment 65
Proposal for a regulation
Article 17 – paragraph 1 – point a

Text proposed by the Commission

(a) the permit-granting process;

Amendment

(a) the permit-granting process **and related administrative processes required for obtaining the permit**;

Or. en

Amendment 66
Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. Each Member State shall draw up a national programme for general exploration targeted at critical raw materials. Each Member State shall draw up the first such programme by [OP please insert: 1 year after the date of entry into force of this Regulation]. The national programmes shall be reviewed and, if necessary, updated, at least every 5 years.

Amendment

1. Each Member State shall draw up a national programme for general exploration targeted at critical raw materials. Each Member State shall draw up the first such programme by [OP please insert: 1 year after the date of entry into force of this Regulation]. The national programmes shall be reviewed and, if necessary, updated, at least every 3 years.

Or. en

Amendment 67

Proposal for a regulation

Article 19 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) Geopolitical developments and security challenges facing the Union as well as the human rights situation in third countries.

Amendment 68

Proposal for a regulation

Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission shall protect European critical and strategic raw materials' production from unfair trade practices by maintaining and strengthening trade defense measures, in order to ensure a level playing field.

Amendment 69

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Commission, in collaboration with the national authorities participating in the standing sub-group referred to in Article 35(6), point (c), shall ensure that a stress test is performed for each strategic raw material's supply chain at least every **three** years. To that end, the standing sub-group referred to in Article 35(6), point (c) shall coordinate and divide the implementation of stress tests for the different strategic raw materials by the different participating authorities.

Amendment

The Commission, in collaboration with the national authorities participating in the standing sub-group referred to in Article 35(6), point (c), shall ensure that a stress test is performed for each strategic raw material's supply chain at least every **two** years. To that end, the standing sub-group referred to in Article 35(6), point (c) shall coordinate and divide the implementation of stress tests for the different strategic raw materials by the different participating authorities.

Or. en

Amendment 70

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) whether the raw materials are controlled by countries failing to uphold fundamental democratic standards and the extent to which the Union is dependent on the given raw material;

Or. en

Amendment 71

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – point a b (new)

Text proposed by the Commission

Amendment

(a b) the extent to which the Union can rely on import from other third country for given critical raw material;

Or. en

Amendment 72
Proposal for a regulation
Article 19 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

(c) factors that might affect supply, including but not limited to the geopolitical situation, logistics, energy supply, workforce or natural disasters;

Amendment

(c) factors that might affect supply, including but not limited to the geopolitical situation, ***trade disputes***, logistics, energy supply, workforce or natural disasters;

Or. en

Amendment 73
Proposal for a regulation
Article 19 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Commission shall ensure that no sensitive or classified information received from Member States or aggregated from the Member States relating to Member States or EU critical raw materials strategic vulnerabilities or resilience is published on this website.

Or. en

Amendment 74
Proposal for a regulation
Article 20 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall identify key market operators along the critical raw materials value chain established in their territory and shall:

Amendment

2. Member States, ***after consulting relevant stakeholders including SME representatives***, shall identify key market operators along the critical raw materials value chain established in their territory and shall:

Or. en

Amendment 75
Proposal for a regulation
Article 24 – paragraph 5 – point b a (new)

Text proposed by the Commission

Amendment

(b a) directly or indirectly owned or controlled by, or acting on behalf or at the direction of systemic rivals or countries failing to uphold fundamental democratic standards, controlling more than 50% of the supply for the given strategic raw material.

Or. en

Amendment 76
Proposal for a regulation
Article 24 – paragraph 5 – point b b (new)

Text proposed by the Commission

Amendment

(b b) entities registered in or whose shares are controlled by systemic rivals that are not currently on a sanctions list must be analysed by competent authorities with additional scrutiny and have their credentials properly verified.

Or. en

Amendment 77
Proposal for a regulation
Article 25 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) increase the collection of waste with high critical raw materials recovery potential and ensure their introduction into the appropriate recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities;

(a) increase the collection ***and sorting*** of waste with high critical raw materials recovery potential and ensure their introduction into the appropriate recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities;

Amendment 78
Proposal for a regulation
Article 25 – paragraph 1 – point c

Text proposed by the Commission

(c) increase the use of secondary critical raw materials in manufacturing, including, where appropriate, by taking recycled content into account in award criteria related to public procurement;

Amendment

(c) increase the use of secondary critical raw materials in ***processing and*** manufacturing, including, where appropriate, by taking recycled content ***and recyclability all along the life-cycle*** into account, ***including*** in award criteria related to public procurement;

Amendment 79
Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Governments or organisations that have developed and oversee certification schemes related to the sustainability of critical raw materials ("scheme owners") may apply to have their schemes recognised by the Commission.

Amendment

Governments or ***multi-stakeholder*** organisations that have developed and oversee certification schemes related to the sustainability of critical raw materials ("scheme owners") may apply to have their schemes recognised by the Commission.

Amendment 80
Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

3. The Commission shall periodically verify that recognised schemes continue to fulfil the criteria laid down in Annex IV.

Amendment

3. The Commission shall periodically verify that recognised schemes continue to fulfil the criteria laid down in Annex IV ***and be in line with the Corporate Due***

Diligence Directive and Corporate Sustainable Reporting Directive to ensure Strategic Projects fulfill the highest environmental and human rights standards.

Or. en

Amendment 81
Proposal for a regulation
Article 29 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. The Commission shall develop a portal where stakeholders are able to submit feedback and information about evidence of repeated or significant cases where economic operators implementing a recognised scheme have failed to fulfil the requirements of that scheme, in order for the Commission to be able to make an independent assessment.

Or. en

Amendment 82
Proposal for a regulation
Article 29 – paragraph 6

Text proposed by the Commission

Amendment

6. Where the Commission identifies deficiencies in a recognised scheme affecting the basis for the recognition, it may grant the scheme owner an appropriate period of time to take remedial action.

6. Where the Commission identifies, ***in accordance with paragraph 5 and 5a***, deficiencies in a recognised scheme affecting the basis for the recognition, it may grant the scheme owner an appropriate period of time to take remedial action. ***This period shall not be longer than 6 months.***

Or. en

Amendment 83
Proposal for a regulation
Article 33 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Strategic Partnerships concluded by the Union with third countries shall contain concrete measures contributing towards:

(i) improving the security, resilience and sustainability of the Union's supply of critical raw materials listed in Annex II;

(ii) the benchmark set out in Article 1, paragraph 2, point (b);

(iii) improving cooperation and shared responsibility along the critical raw materials value chain between the Union and partner countries in achieving the agreed partnership objectives, while respecting the policy space of the EU and of the partner countries;

(iv) the economic and social development in partner countries, in particular for emerging and developing economies, through a governance framework that prioritises human rights, while also promoting the uptake of environmentally sustainable and circular economy practices and decent working conditions;

(v) the increase of local value addition by facilitating the manufacturing of finished and semi-finished goods in relevant downstream industries, including via the facilitation or support of private and public investment;

Or. en

Amendment 84
Proposal for a regulation
Article 33 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Board shall periodically discuss:

Amendment

1. ***In order to evaluate the implementation and the impact of this Regulation***, the Board shall periodically discuss:

Or. en

Amendment 85

Proposal for a regulation

Article 33 – paragraph 1 – point a – point i a (new)

Text proposed by the Commission

Amendment

(i a) reducing the Union’s dependence on third countries, particularly on third countries that are recognised by the Union as systemic rivals, constitute a direct threat to the Union and/or pose threat to rules-based multilateralism and core democratic values;

Amendment 86

Proposal for a regulation

Article 33 – paragraph 1 – point a – point iii

Text proposed by the Commission

Amendment

(iii) improving cooperation along the critical raw materials value chain between the Union and partner countries;

(iii) improving cooperation ***and coordination*** along the critical ***and strategic*** raw materials value chain between the Union and partner countries, ***including through the Minerals Security Partnership and the Conference on Critical Materials and Minerals;***

Amendment 87

Proposal for a regulation

Article 33 – paragraph 1 – point c – point i

Text proposed by the Commission

(i) the potential contribution to security of supply, taking into account a third country's potential reserves, extraction, processing and recycling capacities related to critical raw materials;

Amendment

(i) the potential contribution to security of supply ***and diversification***, taking into account a third country's potential reserves, extraction, processing and recycling capacities related to critical raw materials ***as well as its reliability as a supplier***;

Or. en

Amendment 88

Proposal for a regulation

Article 33 – paragraph 1 – point c – point ii

Text proposed by the Commission

(ii) whether a third country's regulatory framework ensures the monitoring, prevention and minimisation of environmental impacts, the use of socially responsible practices including respect of human and labour rights and meaningful engagement with local communities, the use of transparent business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law;

Amendment

(ii) whether a third country's regulatory framework ***and the governance framework for its implementation*** ensures the monitoring, prevention and minimisation of ***social and*** environmental impacts, the use of socially responsible practices including respect of human and labour rights and meaningful engagement with ***and free prior and informed consent by*** local communities, the use of ***accountable and*** transparent business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law;

Or. en

Amendment 89

Proposal for a regulation

Article 33 – paragraph 1 – point c – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) whether civil society participation processes are in place in the partner country to enable participation of the

public in the implementation of the partnership;

Or. en

Amendment 90

Proposal for a regulation

Article 33 – paragraph 1 – point c – point iv a (new)

Text proposed by the Commission

Amendment

(iv a) the potential to build new partnerships and create a mutually beneficial cooperation with long-term geopolitical gains;

Amendment 91

Proposal for a regulation

Article 33 – paragraph 1 – point c – point iv b (new)

Text proposed by the Commission

Amendment

(iv b) whether a third country demonstrates alignment with European values and the Union's CFSP priorities;

Amendment 92

Proposal for a regulation

Article 33 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. reducing strategic dependencies for critical raw materials on systemic rivals or countries failing to uphold fundamental democratic standards;

Or. en

Amendment 93

Proposal for a regulation Article 33 – paragraph 2

Text proposed by the Commission

2. The Board shall, in the context of paragraph 1 and in so far as relates to emerging market and developing economies, ensure cooperation with other relevant coordination fora, including those established as part of the Global Gateway strategy.

Amendment

2. The Board shall, in the context of paragraph 1 and in so far as relates to emerging market and developing economies, ensure cooperation with other relevant coordination fora ***and partners, especially the G7***, including those established as part of the Global Gateway strategy ***and the Union's common commercial policy, including its investment components, and its Trade and Sustainable Development approach.***

Amendment 94

Proposal for a regulation Article 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Board shall seek cooperation and coordination with international partners, especially like-minded partners, countries participating in the internal market or candidate countries ;

Amendment 95

Proposal for a regulation Article 33 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. The Board, in coordination with the Commission and the EEAS, shall ensure that international environmental and human right standards are respected by way of cooperation with international bodies such as the WTO, OECD, International Labour Organisation (ILO)

and the United Nations (UN).

Amendment 96
Proposal for a regulation
Article 33 – paragraph 3 – point a

Text proposed by the Commission

(a) coordinate with the Commission to ensure coherence between their bilateral cooperation with relevant third countries and the Union's non-binding Strategic Partnerships with third countries, whose scope at least includes critical raw materials value chain;

Amendment

(a) coordinate with the Commission to ensure coherence between their bilateral cooperation with relevant third countries and the Union's non-binding Strategic Partnerships with third countries, whose scope at least includes critical raw materials value chain ***and the guarantee of knowledge and technology transfer for mutual benefit between Member States and third countries;***

Or. en

Amendment 97
Proposal for a regulation
Article 33 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(b a) seek to reduce their bilateral strategic dependencies on systemic rivals or countries failing to uphold fundamental democratic standards.

Or. en

Amendment 98
Proposal for a regulation
Article 33 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Commission shall integrate a critical raw materials component in existing and future international

agreements.

Amendment 99
Proposal for a regulation
Article 33 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. *The strategic partners should also be evaluated taking into account challenges arising from transport restraints, including resulting from both the lack of proper infrastructure or problematic ownership or insecure transport routes. The Commission should address these challenges in cooperation with Member States and other institutions.*

Or. en

Amendment 100
Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. The Board shall be composed of Member States and the Commission. It shall be chaired by the Commission.

1. The Board shall be composed of Member States, ***the European External Action Service*** and the Commission. It shall be chaired by the Commission. ***The European Defence Agency should be consulted and invited to participate in the Board when it concerns matters related to security and defence.***

Amendment 101
Proposal for a regulation
Article 35 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Board shall ensure regular coordination and collaboration with industry and key stakeholders

Amendment 102

Proposal for a regulation

Article 35 – paragraph 6 – subparagraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) a subgroup on sustainability to discuss the provisions of Article 5(1)(c) and their implementation;

Or. en

Amendment 103

Proposal for a regulation

Article 35 – paragraph 6 – subparagraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(d b) a sub-group bringing together Member States representatives, industry and representatives of EU strategic partners to coordinate and explore avenues for cooperation and coordination in achieving the strategic objectives of this Regulation, including by leveraging strategic coordination fora such as the EU-US Trade and Technology Council.

Or. en

Amendment 104

Proposal for a regulation

Article 35 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Where appropriate, the Board may invite experts, other third parties or representatives of third countries to attend meetings of the standing or temporary sub-groups referred to in paragraph 6 as observers or to provide written contributions.

Amendment

Where appropriate, the Board may invite experts, ***industry and key private sector stakeholders, civil society organisations, academia***, other third parties or representatives of third countries to attend meetings of the standing or temporary sub-groups referred to in paragraph 6 as observers or to provide written contributions.

Amendment 105

**Proposal for a regulation
Article 35 – paragraph 9 a (new)**

Text proposed by the Commission

Amendment

9 a. The Board shall report annually to the European Parliament on the duties of the board and the discussion held in the different sub-groups.

Amendment 106

**Proposal for a regulation
Annex I – Section 1 – paragraph 1 – point p a (new)**

Text proposed by the Commission

Amendment

(p a) Erbium

Or. en

Amendment 107

**Proposal for a regulation
Annex I – Section 1 – paragraph 1 – point p b (new)**

Text proposed by the Commission

Amendment

(p b) Europium

Or. en

Amendment 108
Proposal for a regulation
Annex I – Section 1 – paragraph 1 – point p c (new)

Text proposed by the Commission

Amendment

(p c) Lanthanum

Or. en

Amendment 109
Proposal for a regulation
Annex I – Section 1 – paragraph 1 – point p d (new)

Text proposed by the Commission

Amendment

(p d) Ytterbium

Or. en

Amendment 110
Proposal for a regulation
Annex I – Section 1 – paragraph 1 – point p e (new)

Text proposed by the Commission

Amendment

(p e) Yttrium

Or. en

Amendment 111
Proposal for a regulation
Annex III – point 2 – point d

Text proposed by the Commission

Amendment

(d) whether the project is in line with the Union's development cooperation **and** foreign policy objectives.

(d) whether the project is in line with the Union's development cooperation, foreign, **security and defence** policy objectives, **and meets international**

human rights and environmental standards.

Amendment 112
Proposal for a regulation
Annex III – point 4 – point b a (new)

Text proposed by the Commission

Amendment

(b a) [OP please insert: reference to Regulation of the European Parliament and of the Council on making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation], in so far as it applies to the project promoter;

Or. en

Amendment 113
Proposal for a regulation
Annex III – point 4 – point b b (new)

Text proposed by the Commission

Amendment

(b b) [OP please insert: reference to Regulation on Batteries and waste batteries], in so far as it applies to the project promoter;

Or. en

Amendment 114
Proposal for a regulation
Annex III – point 4 – point b c (new)

Text proposed by the Commission

Amendment

(b c) Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from

conflict-affected and high-risk areas, in so far as it applies to the project promoter;

Or. en

Amendment 115
Proposal for a regulation
Annex III – point 4 – point b d (new)

Text proposed by the Commission

Amendment

(b d) Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries, in so far as it applies to the project promoter;

Or. en

Amendment 116
Proposal for a regulation
Annex III – point 4 – point b e (new)

Text proposed by the Commission

Amendment

(b e) [OP please insert: Directive on the Protection of journalists and human rights defenders from manifestly unfounded or abusive court proceedings]

Or. en

Amendment 117
Proposal for a regulation
Annex III – point 4 – point c a (new)

Text proposed by the Commission

Amendment

(c a) Further relevant ILO Conventions;

Or. en

Amendment 118
Proposal for a regulation
Annex III – point 4 – point i a (new)

Text proposed by the Commission

Amendment

(i a) The International Bill of Human Rights, including the international covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

Or. en

Amendment 119
Proposal for a regulation
Annex III – point 4 – point i b (new)

Text proposed by the Commission

Amendment

(i b) The principles of Free, Prior and Informed Consent (FPIC) as established in the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in 2007;

Or. en

Amendment 120
Proposal for a regulation
Annex III – point 4 – point i c (new)

Text proposed by the Commission

Amendment

(i c) Ten Principles of the United Nations Global Compact;

Or. en

Amendment 121
Proposal for a regulation
Annex III – point 4 – point i d (new)

Text proposed by the Commission

Amendment

(i d) EIB Eligibility, Excluded Activities and Excluded sectors list.

Or. en

Amendment 122
Proposal for a regulation
Annex III – point 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) committing to obtain certification for the project concerned as part of a recognised scheme referred to in Article 29 and providing sufficient evidence that when implemented the project concerned will be able to meet the criteria for such certification.

deleted

Or. en

Amendment 123
Proposal for a regulation
Annex IV – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) it is open under transparent, fair and non-discriminatory terms to all economic operators willing and able to comply with the scheme's requirements;

(a) it is open under transparent, fair and non-discriminatory terms to all economic operators willing and able to comply with the scheme's requirements *and ensures highest possible human rights and environmental standards, including through multi-stakeholder governance*;

Or. en

Amendment 124
Proposal for a regulation
Annex IV – paragraph 1 – point b – point ii

Text proposed by the Commission

(ii) requirements for ensuring socially responsible practices, including respect for human rights and labour rights;

Unmodified text included in the compromise

(ii) requirements for ensuring socially responsible practices, including respect for human rights and labour rights;

Or. en

Amendment 125
Proposal for a regulation
Annex IV – paragraph 1 – point b – point iii

Text proposed by the Commission

(iii) requirements for ensuring business integrity and transparency including requirements to apply sound management of financial, environmental and social matters;

Amendment

(iii) requirements for ensuring business integrity and transparency including requirements to apply sound management of financial, environmental and social matters, ***and robust anti-corruption and bribery policies in line with the OECD Guidelines outlined in Annex III;***

Or. en

Amendment 126
Proposal for a regulation
Annex IV – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) it includes an on-site audit with in-person consultation with relevant stakeholders including local communities, civil society, workers, and trade unions;

Or. en

Amendment 127
Proposal for a regulation
Annex IV – paragraph 1 – point c

Text proposed by the Commission

(c) verification and monitoring of compliance is objective, based on international, Union or national standards, requirements and procedures and carried out independently from the relevant economic operator;

Amendment

(c) verification and monitoring of compliance is objective, based on international, Union or national standards, requirements and procedures and carried out independently from the relevant economic operator ***through the use of third-party audits. Such audits shall be made publically available following their completion;***

Or. en

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020
References	COM(2023)0160 – C9-0061/2023 – 2023/0079(COD)
Committee responsible Date announced in plenary	ITRE 8.5.2023
Opinion by Date announced in plenary	AFET 8.5.2023
Rapporteur for the opinion Date appointed	Miriam Lexmann 4.5.2023
Discussed in committee	24.5.2023
Date adopted	18.7.2023
Result of final vote	+: 53 –: 3 0: 0
Members present for the final vote	Alexander Alexandrov Yordanov, François Alfonsi, Maria Arena, Petras Auštrevičius, Traian Băsescu, Anna Bonfrisco, Reinhard Bütikofer, Susanna Ceccardi, Włodzimierz Cimoszewicz, Katalin Cseh, Michael Gahler, Kinga Gál, Klemen Grošelj, Dietmar Köster, Andrius Kubilius, Ilhan Kyuchyuk, Jean-Lin Lacapelle, David Lega, Miriam Lexmann, Leopoldo López Gil, Antonio López-Istúriz White, Lukas Mandl, Thierry Mariani, Pedro Marques, David McAllister, Vangelis Meimarakis, Sven Mikser, Alessandra Moretti, Matjaž Nemec, Gheorghe-Vlad Nistor, Kostas Papadakis, Tonino Picula, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos, Andreas Schieder, Dragoș Tudorache, Viola von Cramon-Taubadel, Witold Jan Waszczykowski, Charlie Weimers, Isabel Wiseler-Lima, Salima Yenbou, Željana Zovko
Substitutes present for the final vote	Attila Ara-Kovács, Malik Azmani, Jakop G. Dalunde, Georgios Kyrtos, Sergey Lagodinsky, Juozas Olekas, Nikos Papandreou, Javier Zarzalejos
Substitutes under Rule 209(7) present for the final vote	Theresa Bielowski, Franc Bogovič, Gilles Boyer, Othmar Karas, Samira Rafaela

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

53	+
ECR	Witold Jan Waszczykowski, Charlie Weimers
ID	Anna Bonfrisco, Susanna Ceccardi
NI	Kinga Gál
PPE	Alexander Alexandrov Yordanov, Traian Băsescu, Franc Bogovič, Michael Gahler, Othmar Karas, Andrius Kubilius, David Lega, Miriam Lexmann, Leopoldo López Gil, Antonio López-Istúriz White, David McAllister, Lukas Mandl, Vangelis Meimarakis, Gheorghe-Vlad Nistor, Isabel Wiseler-Lima, Javier Zarzalejos, Željana Zovko
Renew	Petras Auštrevičius, Malik Azmani, Gilles Boyer, Katalin Cseh, Klemen Grošelj, Georgios Kyrtos, Ilhan Kyuchyuk, Samira Rafaela, Dragoș Tudorache, Salima Yenbou
S&D	Attila Ara-Kovács, Maria Arena, Theresa Bielowski, Włodzimierz Cimoszewicz, Dietmar Köster, Pedro Marques, Sven Mikser, Alessandra Moretti, Matjaž Nemeč, Juozas Olekas, Nikos Papandreou, Tonino Picula, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos, Andreas Schieder
Verts/ALE	François Alfonsi, Reinhard Bütikofer, Jakop G. Dalunde, Sergey Lagodinsky, Viola von Cramon-Taubadel

3	-
ID	Jean-Lin Lacapelle, Thierry Mariani
NI	Kostas Papadakis

0	0

Key to symbols:

- + : in favour
- : against
- 0 : abstention